

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA,

v.

ANTONIO TAGUI, et al.,

Defendants.

*
*
*
*
*
*
*
*
*
*
*
*

1:13-cr-220-1

O R D E R

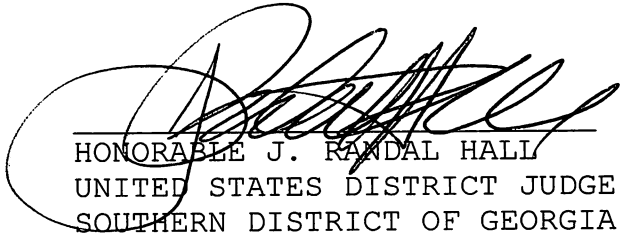
Presently pending before the Court is Defendant Antonio Tagui's motion for reconsideration. (Doc. 470.) The motion requests that the Court reconsider its prior Order reducing Tagui's sentence from 121 months to 120 months in light of Guideline Amendment 782. (Doc. 468.) For the reasons below, the Court **DENIES** Tagui's motion.

On March 19, 2014, Tagui pleaded guilty to Count One of the Indictment, which charged a violation of 21 U.S.C. § 846. (Doc. 243.) More specifically, Tagui admitted that he conspired to distribute and possess with intent to distribute 50 grams or more of methamphetamine in violation of 21 U.S.C. § 841(a)(1). For such a violation, § 841 (b)(1)(A) provides for a mandatory minimum penalty of not less than 10 years of imprisonment.

At the time of sentencing, the guideline range applicable to Tagui called for a sentencing range of 121-151 months. The Court sentenced Tagui to 121 months, the low end of the range. (Doc. 341.) That guideline sentencing range has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u). On June 22, 2015, Tagui moved for a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2). (Doc. 460.) The Court granted Tagui's motion and reduced his sentence from 121 months to 120 months. (Doc. 468.) Tagui's present motion asks the Court to further reduce his sentence to the low end of the now prevailing guideline range of 97-121 months. (Doc. 470 ¶¶ 2-3.)

Congress has determined that Tagui's conduct is subject to a 10-year mandatory minimum sentence. 21 U.S.C. § 841(b)(1)(A). Accordingly, the Court cannot reduce Tagui's sentence below 120 months. The Court, therefore, **DENIES** Defendant Tagui's motion for reconsideration. (Doc. 470.)

ORDER ENTERED at Augusta, Georgia, this 2nd day of May 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA